



**Kumba v Republic (Miscellaneous Criminal Application
E002 of 2024) [2024] KEHC 1108 (KLR) (5 February 2024) (Order)**

Neutral citation: [2024] KEHC 1108 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E002 OF 2024**

**A. ONG'INJO, J
FEBRUARY 5, 2024**

BETWEEN

EVANS OCHIENG KUMBA APPLICANT

AND

REPUBLIC RESPONDENT

ORDER

Representation

05/02/2024

Before Hon. Lady Justice A. Ong'injo J

Etropia - Court Asst

Court: Order dated 31/01/2024 from Hon. Ollimo SRM seeking that this court gives directions and interpret final orders for Hon. Adet made on 19/10/2023 seen and noted.

Order

1. The accused in Mombasa CMC CR. Case No. 1556 of 2019 was acquitted pursuant to section 210 of the [Criminal Procedure Code](#) on 19th October 2023.
2. Upon delivering ruling acquitting the accused and in consideration of the Order made on 11/12/2019 refusing to release motor vehicle in question before it was produced the Trial Magistrate ordered the release of the motor vehicle to the owner. The officer Incharge ANU was ordered to assist owner and facilitate the release. Although the word release is missing a reading of the entire order was in respect to application for release of the motor vehicle and the prosecution having failed to respond to the application the same was allowed.



3. The prosecution has not appealed against the ruling acquitting the accused and 14 days have since lapsed and there is not even Notice to appeal. The person to whom order is directed to comply.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 5TH DAY OF FEBRUARY 2024**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

